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Report of the Independent Expert on the situation of human rights in the Central African Republic

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Independent Expert on the situation of human rights in the Central African Republic, Marie-Thérèse Keita Bocoum, prepared pursuant to Council resolution 33/27. The report covers the period from July 2016 to June 2017 and describes the overall evolution of the human rights situation in the Central African Republic and the major developments affecting it.

The period was marked by an increase in the number of human rights violations and abuses, linked to the upsurge in fighting and to attacks by the various armed groups since September 2016. Most of the abuses were committed during clashes between groups or targeted attacks against civilians or in connection with movements by armed groups and were the work of the ex-Séléka coalition led by the Front populaire pour la renaissance de la Centrafrique, as well as of the Union pour la paix en Centrafrique, the 3R group and anti-Balaka groups acting alone or on behalf of the armed coalition. There are reports that, in certain cases, ethnic or religious communities were targeted because of their perceived affiliation with an armed group. Thousands of children have been re-recruited into armed groups after two years of efforts to reintegrate them into their communities of origin.

Peace and reconciliation initiatives are essential but have so far failed to keep the guns at bay. Partners, neighbouring countries and friends of the Central African Republic must work to bring about a peace process that is transparent, inclusive and respectful of national sovereignty. Above all, peace efforts should never be promoted at the expense of justice for victims, given that impunity is one of the structural causes of violence in the country. The progressive establishment of the Special Criminal Court sends a strong signal in this regard.

The humanitarian situation has deteriorated as a result of the upsurge in violence, giving rise to an increased number of displaced persons in the interior of the country and in Bangui, notably in the PK5 neighbourhood. Nearly half the Central African population is in a situation of need.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 33/27 of 30 September 2016, in which the Council renewed the mandate of the Independent Expert and requested her to submit a written report to it at its thirty-sixth session.

2. The report of the Independent Expert covers the period from July 2016 to June 2017, during which she conducted two visits to the Central African Republic, from 25 January 2017 to 3 February 2017 and from 7 to 16 June 2017. She travelled to Bangui, Bambari, Birao and Obo. For security reasons, the Independent Expert was not able to return to Bangassou as had originally been her plan.

3. The Independent Expert met with the Prime Minister and several of his ministers, including the Ministers for Foreign Affairs, Defence, Interior, Justice and Human Rights, and National Reconciliation, as well as the Minister Counsellor in charge of disarmament, demobilization, reintegration and repatriation. She also met with the senior advocate general of the court of appeal in Bangui; the President of the National Assembly and chairs of the committees; the transitional president, Ms. Samba-Panza, and other transition officials; and political party representatives, including opposition leaders. She wishes to thank all her interlocutors for their cooperation.

4. The Independent Expert also held discussions with the senior management and chiefs of the various civilian, military and police components of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), as well as with representatives of United Nations specialized agencies, the diplomatic corps, the Economic Community of Central African States and various international humanitarian organizations. In addition, she met with representatives of civil society and of human rights and women's organizations; with victims' representatives; with representatives of the religious council and other religious leaders; and with representatives of the traditional chieftancy system, in particular those from Bangassou. She was also able to meet with representatives of the main ex-Séléka and anti-Balaka armed groups.

5. In November 2016, she participated as an observer at the donor conference organized jointly in Brussels by the European Union, the Government of the Central African Republic, the United Nations and the World Bank, the aim of which was to strengthen political and financial support for national efforts to promote peace, security, reconciliation and reconstruction, which are described in detail in the National Recovery and Peacebuilding Plan.

6. The Independent Expert thanks the Government for its cooperation and assistance and the United Nations and MINUSCA, especially the Human Rights Division and its staff, for their support of her mandate and during her visits, and all the individuals and associations that were kind enough to share their assessment of the human rights situation in the country.

7. The Independent Expert presented an oral update to the Human Rights Council at its thirty-fourth session and met with representatives of the diplomatic corps and of non-governmental organizations in Geneva.

II. General situation in the country

A. Security situation

8. The reporting period was once again marked by outbreaks of violence with increasingly frequent and intense clashes between armed groups, leading to disastrous consequences for civilians. Virtually no province has been spared from acts of violence perpetrated by the various armed groups. Sporadic incidents also took place in Bangui, including attacks against MINUSCA peacekeepers.

9. Power struggles between and within the armed groups, ethnic tensions, attempts to control areas rich in resources and seasonal migration movements (by livestock herders) have led to an escalation in violence not seen since 2014.

10. In the provinces of Ouaka and Haute-Kotto, territorial clashes between the coalition of the Front populaire pour la renaissance de la Centrafrique (FPRC) and the Union pour la paix en Centrafrique (UPC) have affected many civilians, who are increasingly targeted on the basis of their ethnicity. Between September and November 2016, a series of battles between FPRC and UPC in Bria and between ex-Séléka and anti-Balaka fighters in Kaga Bandoro led to the displacement of nearly 53,000 persons.

11. In December 2016, FPRC and its allies, including anti-Balaka elements, launched an offensive to dislodge UPC from its stronghold in Bambari. During their advance towards Bambari, the armed coalition attacked numerous villages to the east and north of the city and committed numerous human rights abuses against the population, especially the Fulani.

12. Faced with an imminent attack on Bambari, MINUSCA took military action on 26 February 2017 to halt the advance of the FPRC coalition, which resulted in the death of the FPRC chief of staff and injuries to seven others among its members. MINUSCA obtained the withdrawal of the armed groups from the city, including that of Ali Darassa, the head of UPC, who had set up his headquarters there. The local anti-Balaka chief, Gaétan Boadé, also left Bambari, which MINUSCA designated a "city free from armed groups".

13. However, Ali Darassa's departure from Bambari for the south has merely shifted the locus of the conflict towards the prefectures of Basse-Kotto, Mbomou and Haut-Mbomou. Between 20 and 22 March, the FPRC coalition and anti-Balaka elements reportedly killed more than 23 civilians in Bakouma, in Mbomou prefecture. On 15 April, UPC reportedly attacked the locality of Zémio, in Haut-Mbomou prefecture, as well as the MINUSCA base during the night of 15 April. The attack left two persons dead on the UPC side and several wounded.

14. On 10 May, in an ambush on the road between Rafaï and Bangassou, anti-Balaka elements allegedly kidnapped and killed Cambodian and Moroccan peacekeepers in the deadliest attack against a MINUSCA convoy since the Mission's establishment. Five United Nations peacekeepers were killed and 10 were injured.

15. On 13 and 14 May, alleged anti-Balaka elements operating independently or at the behest of the FPRC coalition carried out an assault with heavy weaponry against the city of Bangassou in the prefecture of Mbomou. The attacks targeted the primarily Muslim neighbourhood of Tokoyo, as well as the MINUSCA base, resulting in the death of one peacekeeper and massive displacements of civilians. There are reports that 3,000 persons sought refuge in the north of the Democratic Republic of the Congo, which had been struck by an epidemic of the Ebola virus.

16. In Bria, the security situation deteriorated once again in May 2017, when fighting broke out between two factions of the FPRC/anti-Balaka coalition on 14 May 2017, resulting in dozens of deaths and massive population displacement. On 20 June 2017, the day after the ceasefire declared in Rome, clashes had resumed and had caused the death of several dozen combatants and civilians.

17. The Lord's Resistance Army (LRA) also continues to commit numerous human rights abuses against the population of the prefectures of Mbomou and Haut-Mbomou as Ugandan and American troops deployed under the African Union Regional Task Force for the elimination of the Lord's Resistance Army gradually withdraw. The departure of these troops leaves a security vacuum in the east, an area subject to attacks from not only LRA but also other armed groups and criminal organizations. The Independent Expert met people in this area who are very concerned for their safety.

18. In the north-western part of the country, heightened tensions persist between the Fulani and the villagers, related in particular to livestock migration, cattle theft and punitive expeditions. In the prefectures of Nana-Mambéré and Ouham Pendé, the anti-Balaka and the armed group 3R ("Return, Reclamation and Rehabilitation") have committed many abuses, in particular around the localities of Niem, Dankouri, Koui and Bocaranga.

19. The security situation in the capital, Bangui, continues to improve as a result of the actions of MINUSCA peacekeepers, who serve as a deterrent to potential troublemakers. Yet, despite the return of many displaced persons to the PK5 neighbourhood at the beginning of the year, particularly from the M'Poko airport site, the situation remains volatile. For example, the death on 7 February 2017 of Youssouf Malinga, also known as "Big man", in this neighbourhood led to a wave of reprisals, including murders and the burning of houses.

20. Virtually no progress has been made in implementing the disarmament, demobilization, reintegration and repatriation programme or in reforming the security sector. An advisory and monitoring committee on disarmament, demobilization, reintegration and repatriation has been established and meets regularly in the presence of representatives of the armed groups. However, the latter appear to be participating in order to ensure that they have a place in the programme without making any real commitment on the ground to ending the violence in the areas under their control.

21. The Independent Expert welcomes the efforts made by the European Union in the training, accreditation and certification of the Central African Armed Forces. Of the three battalions expected to be trained by 2018, 600 soldiers have already completed training. Given the situation of violence, a majority of the members of civil society and certain representatives of the authorities with whom meetings were held requested that the embargo be lifted in order to provide the army with equipment and weapons. The Independent Expert was informed that the Central African Republic could obtain a dispensation from the arms embargo in order to equip its forces and that the Government had approached the international community with a view to requesting help from other partners in accelerating the training and providing equipment and other logistical resources to the new Central African army. The Government has also undertaken the recruitment, through a joint committee composed of representatives of the State and MINUSCA, of 500 police officers and gendarmes.

22. The Independent Expert has observed delays in the restoration of State authority outside Bangui. The security situation is such that State officials are discouraged from expanding operations to certain regions under the control of armed groups. This is particularly true in the east, where there is only one gendarme in Zémio and in Mboki, and none in the sub-prefecture of Bambouti. At the end of June 2017, armed groups appeared to hold sway over 12 of the 16 prefectures, representing nearly 70 per cent of the national territory.

B. Political context and mediation efforts

23. The escalation in violence in September 2016 undermined the Government's efforts to restore the authority of the State, as well as regional and national initiatives in favour of peace.

24. With the support of its partners, the Government had, however, made significant progress in developing a legislative and institutional framework, including the adoption of organic laws, accession to international human rights conventions, the adoption of a recovery plan and the appointment of the Prosecutor of the Special Criminal Court.

25. The National Recovery and Peacebuilding Plan, which was developed by the Government in partnership with the United Nations, the European Union and the World Bank, was approved by the National Assembly on 26 October 2016. It is based on the following three pillars: support for peace, security and reconciliation; renewal of the social contract between the State and the people; and economic recovery and revitalization of the productive sectors.

26. The donor conference held on 17 November 2016 in Brussels demonstrated the willingness of the international community to assist the Central African Republic through pledges totalling $2.2 billion to finance the National Recovery and Peacebuilding Plan for three years. The actual disbursement of these pledges has, however, been slow to materialize.

27. During her last visit, the Independent Expert was informed that some budget lines had started to become available, notably those related to disarmament, demobilization, reintegration and repatriation, and that the authorities were willing to establish a national secretariat for implementing the National Recovery and Peacebuilding Plan and establishing contacts with partner States.

28. During the special session held from 3 to 17 January, the Assembly adopted laws on the establishment of the other institutions provided for in the Constitution, including the Economic and Social Council, the National Mediation Council, the High Council for Communication and the High Authority on Good Governance.

29. MINUSCA also supported the deployment of more than 600 administrative staff, the restoration of administrative buildings, mainly through the funding of quick-impact projects, and the launch of a territorial administration guide.

30. The States in the region, in cooperation with the Economic Community of Central African States and the African Union, have begun mediation efforts with a view to promoting a peace agreement between the Government and the various armed groups. The African Initiative for a Peace and Reconciliation Agreement in the Central African Republic, endorsed at the African Union Summit held in Addis Ababa on 30 and 31 January 2017, has enabled better coordination of mediation efforts, which were initially somewhat scattered.

31. On 19 June 2017, all armed groups, with the exception of 3R, met in Rome where, under the aegis of the Community of Sant'Egidio, they signed the Sant'Egidio Agreement, which provided for an immediate ceasefire. The day after the signing of the agreement, nearly 100 people were reportedly killed in Bria in clashes between FPRC and anti-Balaka fighters. Violence continues on the ground, potentially casting doubt on the credibility of this agreement.

32. Lastly, a coordination meeting between the peace mediators was held in Brussels on 21 June 2017 in order to agree on a road map for the implementation of the agreement.

33. Numerous civil society actors have expressed concern at the lack of transparency of these initiatives, the lack of communication from the Central African Government concerning the agreement and persistent rumours of negotiations to secure an amnesty for war crimes and crimes against humanity. Nevertheless, members of the Government assured the Independent Expert of their commitment to combating impunity.

34. The Independent Expert found it regrettable that no women were involved in the mediation initiatives, although she was encouraged by the establishment of a network for women's leadership in the Central African Republic, which promotes the participation of women in all national processes, including those relating to peace and security. She also encourages the authorities to involve traditional leaders in their peace initiatives at the local level.

C. Humanitarian situation

35. The humanitarian situation has deteriorated severely as a result of massive displacements caused by the resumption of fighting. More than 100,000 new internally displaced persons were registered in affected areas between September 2016 and February 2017. Half of the country, or 2.2 million people, remains dependent on humanitarian assistance.[1]

36. On 5 December 2016, a humanitarian response plan for the period 2017-2019 was presented in Geneva. It provides for a budget of $399 million to help 1.6 million Central Africans. It should be recalled that the plan was drawn up before the resumption of fighting and does not take into account needs linked to the new displacements.

[1] See www.un.org/apps/newsFr/storyF.asp?NewsID=39133#.WWiBIIiGPcs.

37. Regrettably, the funding provided by institutional donors has fallen far short of that required to meet humanitarian needs, despite advocacy on the part of humanitarian organizations, MINUSCA and the United Nations specialized agencies. By late May 2017, the humanitarian response plan was funded at only 27.8 per cent. According to the Office for the Coordination of Humanitarian Affairs (OCHA), all the warning signs are present, yet the quality and scope of the humanitarian response is being reduced. Access to communities in need, already affected by the security situation, risks being further limited if humanitarian partners cease operations or if logistical resources, such as air transport services, are cut back for lack of funds.

38. The Independent Expert joins humanitarian actors in calling on the international community to mobilize to avert the impending humanitarian crisis, the consequences of which in the future will be far more costly if nothing is done. Humanitarian actors have, moreover, continued to operate in a highly volatile security environment. On 5 May 2017, OCHA announced that four humanitarian organizations had decided to suspend their activities temporarily in the prefecture of Ouham in the light of the threats they faced. More than 300 incidents in 2016 and more than 1,667 security incidents involving humanitarian workers have been recorded since the beginning of the year.[2] Furthermore, 72 per cent of health-care facilities have been damaged or destroyed by violence and looting, and health-care facilities in the vast majority of cases depend on humanitarian assistance.[3]

III. Human rights situation

39. The period was marked by an increase in human rights violations and abuses linked to the upsurge in fighting and to attacks by the various armed groups. Most of the abuses were perpetrated by ex-Séléka and anti-Balaka armed groups; they included killings, acts of torture and inhuman or degrading treatment, sexual violence, abductions, deprivation of liberty and arbitrary arrest, extortion and looting, recruitment and exploitation of children, the occupation of schools and health centres and attacks on them, and denial of humanitarian assistance. In this context, vulnerable groups, including persons with disabilities, face even greater challenges in terms of access to food, sanitation and medical assistance.

40. The Independent Expert also finds it regrettable that the national security forces commonly have recourse to prolonged and unlawful pretrial detention and that conditions of detention remain very poor.

41. The Independent Expert welcomes the adoption and promulgation on 20 April 2017 of the Act establishing the National Commission on Human Rights and Fundamental Freedoms. She encourages the Government to bring it into operation with the technical support of the Human Rights Division of MINUSCA and to ensure that the criteria of professionalism, integrity and gender balance are respected in the selection of commissioners.

A. Abuses attributed to armed groups

42. The period was marked by a significant increase, from November 2016, in human rights abuses perpetrated by armed groups.[4] Between July 2016 and June 2017, the Human Rights Division of MINUSCA recorded 1,976 cases of violations and abuses, which left 3,423 victims (2,120 men, 327 women, 189 boys and 116 girls, and 113 children and 558 adults who were not identified).

[2] Identified by the International NGO Safety Organization; see www.ngosafety.org/country/central_african_republic.

[3] See www.msf.fr/actualite/dossiers/republique-centrafricaine-crise-silencieuse.

[4] In 2015, MINUSCA reported 1,278 human rights violations, which left 1,786 victims (see A/HRC/33/63, para. 36).

43. Most of the abuses were committed during clashes between groups or targeted attacks against civilians or in connection with movements by armed groups and were the work of the ex-Séléka coalition led by FPRC (including both ex-Séléka and anti-Balaka elements), as well as of UPC, the 3R group and anti-Balaka groups acting alone or on behalf of the armed coalition. There are reports that, in some cases, certain communities were targeted because of their perceived affiliation with an armed group

44. On 12 October 2016, ex-Séléka fighters killed at least 37 civilians, injured 57 and forced thousands of people to flee when they razed the camp for internally displaced persons in Kaga Bandoro. The fighters destroyed 175 houses and 435 huts in the camp and surrounding areas, despite the presence of MINUSCA peacekeeping forces.[5]

45. In the days that followed the fighting of November 2016 between FPRC and UPC in Bria, FPRC elements reportedly targeted the Fulani community for its supposed affiliation with UPC, carried out killings and abductions, and occupied hospitals, preventing injured Fulani from receiving treatment. Some of the dead were allegedly robbed and mutilated. For their part, UPC elements and armed Fulani reportedly attacked civilians on the roads outside Bria, executed and abducted men, and raped girls. They were reported to have specifically targeted Arab Muslims and Gula.

46. On 11 and 12 December 2016, UPC retook the town of Bakala, to the north of Bambari, which they had been driven out of by the armed coalition. UPC elements took revenge on the population for their previous defeat and reportedly killed at least 88 people in Bakala and at least 57 at neighbouring or nearby mining sites. It was reported that dozens of people, including children, were killed in the complex of the sub-prefectural school and close to the gendarmerie station, where UPC had invited them to attend a meeting. The bodies were allegedly dumped in the Ouaka River and in wells. UPC elements also reportedly killed many civilians during offensives in several villages in the prefectures of Ouaka and Basse-Kotto between February and May 2017.[6]

47. More than 400 people, including women and children, were reportedly killed in the prefectures of Haute-Kotto and Ouaka alone during the fighting and attacks by armed groups between November 2016 and February 2017.

48. Anti-Balaka fighters are accused of responsibility for a large number of killings of Fulani civilians, committed either alone or alongside the FPRC coalition. In mid-February 2017, anti-Balaka fighters reportedly killed at least 16 ethnic Fulani civilians near Ippy, Ouaka prefecture, during an ambush on a truck carrying people trying to reach safety in Bambari.[7]

49. Between 7 and 15 March, for example, attacks carried out by anti-Balaka elements on the village of Site Chinois, to the south of Bria, reportedly resulted in the deaths of around nine Fulani civilians and massive population displacement.

50. Armed groups have deliberately targeted the civilian population. Between 20 and 22 March 2017, the FPRC coalition and anti-Balaka fighters are alleged to have killed more than 23 civilians in Bakouma, Mbomou prefecture. On 11 May 2017, the local branch of the Red Cross in Alindao, Basse-Kotto, reported that 37 bodies had been recovered and 110 people injured in the locality following attacks carried out against the population between 8 and 10 May, allegedly by UPC militias. The local Red Cross documented 115 deaths following an attack on the town of Bangassou on 13 May 2017.

51. During clashes between anti-Balaka and ex-Séléka UPC in Alindao, Basse-Kotto, in mid-May, fighters set fire to more than 360 houses, according to the local Red Cross.

52. In the north-west of the country, following the theft of 600 cattle from an encampment of Fulani herders on 27 April 2017, allegedly by anti-Balaka elements, 3R fighters were reported to have attacked the town of Niem in Nana-Mambéré prefecture on 2 May 2017, causing population displacement and the deaths of 11 people.

[5] Human Rights Watch, "Killing Without Consequence", July 2017.
[6] Information received from the Human Rights Division of MINUSCA.
[7] Human Rights Watch, "Killing Without Consequence", July 2017.

53. LRA continued to commit serious abuses against the civilian population in the areas under its control in the east of the Central African Republic, to attack villages, to loot property and to abduct civilians almost routinely, subjecting them to forced labour, forced recruitment, sexual slavery, sexual violence and forced marriage. Between July 2016 and June 2017, the Human Rights Division documented more than 109 incidents, which left over 360 victims.[8] The departure of Ugandan and American international forces is not only leaving a security vacuum, but is also affecting the provision of assistance to the victims of LRA.

B. Violations attributed to the national armed forces

54. Arbitrary arrests and detention remain a serious obstacle to the administration of justice in the Central African Republic. All 615 cases of arbitrary detention documented by the Human Rights Division between July 2016 and June 2017 were related to the security forces' failure to respect the 72-hour legal limit (renewable once) for detaining suspects before bringing them before a judicial authority. This situation remains due to the absence of a functioning judiciary, to technical and logistical constraints stemming from the security forces' lack of training and to the unavailability of the resources necessary to ensure compliance with legal procedures.

55. The Independent Expert was also informed of a case that occurred in the context of the violence in the PK5 neighbourhood of Bangui in early October 2016, where elements of the Central African Armed Forces reportedly shot dead two people.

C. Refugees and displaced persons

56. The Central African Republic has experienced a new wave of mass displacement as a result of the armed violence. As at 25 May 2017, 503,600 Central Africans, that is nearly 100,000 more than in the previous year, were internally displaced. As at 30 June 2017, 481,350 had fled, mostly to neighbouring countries.[9]

57. In early 2017, the Government ordered the closure of the displaced persons' site at M'Poko airport. As at 15 January, 17,151 persons had left the site and returned to the third and eighth districts and the suburbs of Bimbo. Since December 2016, the Ministry for Social Affairs and National Reconciliation has promoted these returns through its project to support the return and reintegration of displaced persons and refugees in the Central African Republic and its "Christmas at Home" operation, providing lump-sum payments to the displaced.

58. The problems of looting and destruction of goods and property and their restitution remain unresolved and need to be addressed in order to enable the return of refugees, while avoiding the creation of new flashpoints. The Independent Expert reiterates her recommendation to establish conditions under which the informed, voluntary, dignified and sustainable return of refugees and displaced persons and their reintegration into their community through the promotion of "living together" is possible.

D. Violence connected with accusations of witchcraft

59. The ongoing conflict and traditional beliefs continue to fuel the phenomenon of witchcraft and crimes that, while supposedly prompted by accusations of sorcery, actually involve premeditated acts perpetrated by armed groups, more often than not to extort money from the victims. The Human Rights Division has documented 45 cases of violence

[8] According to LRA Crisis Tracker, LRA was involved in 73 incidents, killed 17 people and abducted 216 others in the Central African Republic between July 2016 and June 2017; see www.lracrisistracker.com.

[9] See http://data.unhcr.org/car/regional.php.

committed against persons accused of witchcraft, claiming 77 victims, 38 of whom were men, 32 women and 7 children.

60. Under Central African law, offences of witchcraft carry a maximum sentence of life imprisonment with forced labour if they cause death. This situation is of deep concern because of the obvious questions it raises as to evidence.[10]

61. Most of those accused of witchcraft and charlatanism are women and children, and a large number end up in prison. When MINUSCA staff visited the Bimbo women's prison in Bangui in early 2017, 21 of the 46 women detainees were accused of witchcraft.[11] Sometimes, certain accused are charged, tried and convicted by the courts.

62. On each visit and in her reports, the Independent Expert continues to alert the authorities to these practices and the false allegations made by members of armed groups in order to terrorize and extort money from the population. She reiterates her previous recommendations, in particular the recommendation to prosecute and punish all perpetrators of violations against persons accused of witchcraft; carry out awareness-raising campaigns to counter these practices; and begin a national debate on the issue, including in respect of existing legislation, in order to find real solutions that respect universal human rights standards.

E. Gender-based violence

63. The resurgence of widespread violence has gone hand in hand with a significant increase in acts of sexual violence committed by armed groups during this period. In 2016, MINUSCA recorded 179 cases of conflict-related sexual violence against 92 women, 86 girls and 1 boy; between January and May 2017, MINUSCA documented 91 cases involving 48 women and 72 girls.[12] The true number is likely to be higher, as victims are reluctant to report such crimes because of fear of stigma or reprisals, and because the lack of security has prevented access to certain areas and hampered investigation and documentation efforts. The absence of a judiciary outside the capital also deters victims from filing complaints.

64. The vast majority of perpetrators are reportedly armed groups operating in the conflict zones, but also Fulani herders who commit acts of sexual violence during clashes or against women and girls they encounter on seasonal migration routes. In many cases, the victims are gang-raped. Outside urban centres, victims rarely have access to medical and psychosocial support.

65. On 14 June 2017, President Touadéra inaugurated the headquarters of the joint rapid response unit to combat sexual violence against women and children, stating that approximately 60,000 cases of violence against women and children had been recorded since 2014. The unit, which comprises 29 commissioned and non-commissioned police and gendarmerie officers (including 10 women), aims to promote an enabling environment for the prevention and punishment of gender-based violence and violations of the rights of the child in the Central African Republic.

66. During the reporting period, the Independent Expert continued to meet with many women's organizations, to encourage their initiatives and to urge partners to support their work. She visited, inter alia, a women's association in the seventh district of Bangui that has set up income-generating activities and organizes education and training.

67. The measures implemented by the Secretary-General of the United Nations and MINUSCA in response to numerous reported cases of sexual exploitation and abuse by international forces in 2015 and 2016 appear to have had a deterrent and preventive effect. The Independent Expert notes, however, that the investigations undertaken have rarely been made public and that few have resulted in convictions. She encourages partners to provide

[10] Report of the Mapping Project, chap. V, D.1.

[11] MINUSCA, internal report, February 2017.

[12] MINUSCA produces monthly reports on conflict-related sexual violence.

funds for effective legal assistance for victims, and States to conduct inquiries and bring the perpetrators to justice.

68. The Independent Expert recalls the Secretary-General's strategy to improve the Organization's system-wide approach to preventing and responding to sexual exploitation and abuse, which seeks to put victims first, in accordance with the principles of "do no harm", confidentiality and informed consent in the best interests of the victim.[13]

F. Situation of children

69. The United Nations has reported an increase in the recruitment and use of child soldiers during the recent upsurge in violence. OCHA estimates that from 4,000 to 5,000 children still belong to armed groups. Reportedly, only half of the 9,000 children released and handed over to the Ministry of Social Affairs and then to the United Nations Children's Fund (UNICEF) since 2014 have benefited from a full reintegration programme.

70. Children have continued to be used as combatants, guards, human shields, porters, messengers, spies, domestic workers or sex slaves. There are also reports of Fulani children being abducted by armed groups, especially anti-Balaka fighters, who allegedly demand livestock as ransom for their release.

71. On 13 May 2017, FPRC, which has until now been reluctant to cooperate with the United Nations specialized agencies on the issue of forcibly recruited children, signed a directive ordering its commanders to refrain from recruiting children and to identify the children within their ranks, with United Nations support.

G. Economic, social and cultural rights

72. Armed groups have spread across the centre and east of the country, seeking to take control of and plunder natural resource-rich areas and to control trade and seasonal migration routes. The ensuing destruction of goods and property, looting and mass displacement have driven the already destitute population further into poverty. The Panel of Experts on the Central African Republic, in its final report (S/2016/1032), again denounced the cross-border trafficking by armed groups of weapons, gold, diamonds, illicit drugs and animals into the Democratic Republic of the Congo and Cameroon. Armed groups are also setting up roadblocks in order to collect taxes in areas under their control, specifically targeting diamond miners, merchants and collectors, and impeding the free movement of goods and people.

73. Although the National Recovery and Peacebuilding Plan contains numerous provisions aimed at the economic recovery of the Central African Republic, their implementation has been slow, mainly because donors and investors are reluctant to launch economic activities given the lack of security and the scant progress made with regard to transparency in financial management and the fight against corruption. The Central African Republic ranks 40th out of 50 African States and 159th out of 176 countries globally in terms of corruption.[14]

74. The development of economic activities remains a key factor in reducing the appeal of weapons and enabling the population to enjoy the benefits of peace. In fact, many young people are pushed towards armed groups by joblessness and a lack of economic prospects. There is a great need to work on youth employment policies and initiate labour-intensive works that will offer job opportunities in addition to those created in the civil service.

75. Basic social services, in particular education and health, are non-existent or largely insufficient outside Bangui as a result of the security situation, the lack of staff and

[13] See the report of the Secretary-General on special measures for protection from sexual exploitation and abuse: a new approach (A/71/818) and the report of the Mapping Project, chap. V, point 7.

[14] According to Transparency International, see www.transparency.org/country/CAF.

infrastructure, and mass displacement. The Independent Expert noted this situation during her trips to Obo and Birao.

76. Several schools remain or have been newly occupied by armed groups, mainly ex-Séléka fighters, and are being used as barracks or bases. The acts of violence and abuse committed by armed groups in and around schools are undermining the safety of students and teachers.[11]

IV. Efforts to fight impunity and transitional justice

77. The Independent Expert continues to believe that the fight against impunity is one of the keys to resolving the crisis in the Central African Republic. She welcomes the progress made in establishing the Special Criminal Court and ensuring its effectiveness. She deplores the fact that armed groups continue to rampage freely and with absolute impunity, spreading terror, devastation and chaos. The population is frustrated that members of armed groups responsible for acts of violence have not been neutralized and tried for their crimes. The necessary measures must be taken to investigate those crimes and arrest the perpetrators without further delay. The Ministry of Justice must increase the resources of the country's courts as a matter of priority, ensuring in particular that judges have an effective presence in the towns to which they have been posted and that they hold ordinary court sitting, and assize court sessions on a more regular basis. The authorities should also consider extending the mandate of the Special Criminal Court in order to send a strong signal that current crimes will not go unpunished.

78. During her most recent visit to the Central African Republic, a large number of people expressed concern to the Independent Expert that, during the peace negotiations, requests had been made for amnesty for war crimes, crimes against humanity and genocide. The authorities with which she met, including the diplomatic corps, the Government and the parliament, unanimously stated their determination to fight against impunity and ensure that there would be no possibility of amnesty for war crimes, crimes against humanity or genocide, in accordance with the outcome of the Bangui Forum, the Constitution and the international conventions ratified by the Central African Republic.

79. On 11 May 2017, the country observed the second National Remembrance Day for the victims of the conflicts in the Central African Republic, which was marked by the laying of floral wreaths at a number of memorial sites in Bangui by the Prime Minister and several members of the Government.

80. The Independent Expert welcomes these measures to promote justice and recognition of victims, which should be supplemented by further steps as part of the transitional justice strategy, including the setting up of a truth and reconciliation commission, the preservation of archives and the construction of a memorial.

A. Special Criminal Court

81. Efforts to establish the Special Criminal Court are continuing. In January 2017, the selection panel, made up of United Nations representatives and of the members of the Higher Council of the Judiciary of the Central African Republic, selected Toussaint Muntazini Mukimapa, a military judge from the Democratic Republic of the Congo, for the post of Special Prosecutor of the Special Criminal Court, a choice confirmed by presidential decree on 14 February 2017. Following the appointment of the Prosecutor, who arrived in the Central African Republic on 25 May 2017, two female international investigating judges (from France and Burkina Faso, respectively) were appointed.

82. On 5 May, five national judges were appointed. The Independent Expert was concerned at the lack of women among the national appointees, in particular given that the

[11] See www.hrw.org/fr/report/2017/03/23/pas-de-cours-quand-les-groupes-armes-utilisent-occupent-des-ecoles-republique

Court would be handling cases involving sexual violence. The interministerial decree establishing the committee for the selection of national criminal investigation officers was signed on 23 February 2017. The committee has published the terms of reference for criminal investigation officers and set 2 June 2017 as the deadline for applications, after which shortlisting and interviews will be carried out. The new recruits are expected to take up their posts in July 2017. A security plan has been drawn up by MINUSCA, including a global security strategy for Special Criminal Court premises, as well as for key Court personnel and their residences.

91. Several stages remain before the Court can begin its work, including the renovation of the Court building itself, the resolution of the question of payments to court-appointed lawyers, the recruitment of additional judges, and the recruitment and training of criminal investigation officers.

II. Non-judicial mechanisms and reconciliation

94. Pursuant to the National Recovery and Peacebuilding Plan, on 21 December 2016 the President of the Republic announced the creation of local peace and reconciliation committees. The Independent Expert was able to meet with the members of the committee for the third district of Bangui (PK5), which is working to reconcile the different communities, prevent disputes and actively promote social cohesion, despite lacking the necessary resources. The international partners must support this government initiative, under which 12 local peace and reconciliation committees have been set up to date and a further 14 are planned for the various prefectures, as well as the initiatives of the Interfaith Peace Platform and the actions taken by the traditional chiefs.

95. The Government has taken a number of measures to integrate the Muslim community, including granting Muslim holidays official status. However, more must be done to improve the representation of the Muslim minority in the parliament and in all public bodies.

96. The Government and the international community must also provide specific support to a great many civil society actors working on innovative initiatives in the fields of prevention, reconciliation, social cohesion, and promotion and protection of human rights. The Independent Expert encourages these organizations to continue their efforts and to expand the scope of their activities to areas outside the capital.

97. The role of the National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Other Forms of Discrimination is to identify root causes and warning signs and contribute to the strengthening of the reconciliation process by setting up peace forums and other initiatives. The Independent Expert has encouraged the Committee to publicize its work, composition and road map and to raise awareness of violence prevention among all sections of society.

98. The Réseau de journalistes pour les droits de l'homme (Network of Journalists for Human Rights) and its web of regional correspondents and thematic experts organize a large number of innovative journalistic and outreach activities, with the aim of informing the population of progress made in establishing the Special Criminal Court, access to justice and the role of victims in the four pillars of transitional justice, as well as keeping refugees and displaced persons informed of current events in the Central African Republic. These initiatives should receive greater technical, financial and logistical support in order to improve coverage across the country; in particular, there is a need for donations of telecommunications and transport equipment.

99. The report of the Mapping Project, which includes a list of serious violations of human rights and international humanitarian law committed between 1 January 2003 and 31 December 2015, was officially presented on 30 May 2017. The Security Council referred to the project in its resolution 2301 (2016) as being one of the priority tasks of MINUSCA under its human rights promotion and protection mandate. The project was also tasked with listing the existing transitional justice mechanisms, putting forward a strategy for the possible establishment of processes with regard to truth-seeking, reparation and

guarantees of non-recurrence, identifying priority areas for future investigations by the Special Criminal Court and contributing to the preparation of a prosecution strategy for the Special Criminal Court.[16]

90. According to the report of the Mapping Project, security conditions must improve considerably if the transitional justice process is to be implemented peacefully. A staggered approach should be adopted, with prosecutions and the vetting of the security forces being carried out as a matter of priority. Furthermore, displaced persons located outside the capital and refugees should be involved in the transitional justice process. The authorities are encouraged to immediately launch preparatory activities, such as the enhancement of documentation and archives, capacity-building for civil society and victims' organizations, the development of a victim and witness protection programme, and country-wide consultation and awareness-raising on transitional justice.

91. The report also contains several recommendations on non-judicial transitional justice mechanisms, in particular truth-seeking. It recalls that any future truth and reconciliation commission must have a broad mandate allowing it to determine the facts, identify the root causes of conflicts and events, and establish an impartial, historical record. It notes that, although truth commissions can help to institute restorative justice, they should not act as courts.

92. The Independent Expert had already affirmed her support for a truth commission as a key element of the transitional justice strategy. In her previous report, she had recommended that extended, thematic consultations should be held in order to consider issues in greater depth before the formation of the aforementioned commission and to place victims at the centre of the design and implementation of transitional justice mechanisms. The Independent Expert had recalled the importance of ensuring the safety and protection of victims and witnesses, in order to encourage them to testify about the serious violations they suffered or witnessed.

93. The recent political agreement for peace in the Central African Republic, the Sant'Egidio Agreement, provides for the setting up of a truth, justice and reconciliation commission, with a 12-month mandate, which will make recommendations to the President of the Republic on "traditional processes with regard to cases of reparation and pardon, the reintegration of the leaders and officials of politico-military groups, the release of detained combatants and the adoption of laws on national reconciliation".[17]

94. As to the issue of amnesty, the Independent Expert calls on all the actors involved in the peacebuilding efforts to respect the desire of the population of the Central African Republic to see real justice, given that impunity is one of the structural causes of violence in the country. The international community and the Government must remember that any possibility of amnesty for war crimes, crimes against humanity or genocide is out of the question, in accordance with the outcome of the Bangui Forum, the Constitution and the various international conventions ratified. No one should be able to escape truth and justice and all those who know that they have committed reprehensible acts should have the courage to take full responsibility for their actions before the nation and the victims. That is the price they must pay if they wish to be forgiven and to contribute to reconciliation and peace.

C. Judicial and prison administration

95. The judicial system continues to be dysfunctional and to suffer from a lack of qualified staff and material resources. The Independent Expert was informed of the authorities' continued efforts to re-establish courts and a judiciary across the country. In all, 18 out of 30 courts (3 courts of appeal, 24 courts of major jurisdiction (*tribunaux de grandes instances*) and 3 specialized courts) are up and running again and more than 60 judges have been posted to locations outside Bangui. Furthermore, 23 circuit courts have

[16] See https://minusca.unmissions.org/en/human-rights-0.

[17] Sant'Egidio Agreement, transmitted in a letter to the Security Council dated 22 June 2017.

been held in the provinces. As a result of the dire security situation and the lack of detention facilities outside Bangui, the effectiveness of these courts remains to be determined.

96. Many judges have yet to reassume their posts in the field owing to security and logistical issues. For example, the courts have not sat in Bouar for the last three years because of the lack of judges.

97. Following an initial session of the court of assizes in 2015, the first in almost five years, a series of 55 criminal trials was held between 26 August and 26 September 2016, involving cases of murder, rape, looting, conspiracy to murder and illegal possession of weapons.[18] The Independent Expert encourages the judicial authorities to hold such sessions on a regular basis in order to fight against the widespread sense of immunity in the country.

98. The Independent Expert took note of the adoption, on 24 March 2017, of the Military Justice Code, which provides for the prosecution of members of the armed forces for indictable offences they have committed. She calls for the law to be disseminated widely and implemented.

99. MINUSCA provides the judicial authorities with technical assistance, including capacity-building relating to knowledge of the law. The separation of powers constitutes a matter for concern, given that more than 17 per cent of serving judges reportedly also hold political posts.

100. With regard to prison administration, a number of major challenges remain, including the lack of detention facilities outside Bangui and the extremely poor conditions of detention, which are due in particular to a lack of funds for food for detainees and to prison overcrowding. In some locations, such as Bouar, detainees are suffering from malnutrition.

V. Conclusions and recommendations

A. Conclusions

101. **The security situation has worsened dramatically since the previous report and the oral presentation of March 2017 following advances by the armed groups, who currently control 12 out of country's 16 provinces in the south and centre. The Independent Expert notes that, in those areas, the armed groups are killing, looting, burning down houses and assuming sweeping powers, including in the fields of justice administration and tax collection, as the State and MINUSCA watch on, virtually impotent. She has warned of the worsening of the security situation throughout the period and of the slow progress in restoring effective State authority outside Bangui. The current security situation is discouraging State employees from taking up posts in certain regions that are in the hands of armed groups, thus preventing any headway from being made in the establishment of a law-based State.**

102. **The Independent Expert has taken due note of the efforts made by the authorities to implement their road map and the sectoral action plans, as well as the institutional reforms adopted. However, she observes that, without a cessation of hostilities and without the disarmament, demobilization, repatriation and reintegration of the armed groups, it would be completely unrealistic to expect the other urgent measures to promote the rule of law, justice and economic recovery to have any real impact.**

103. **The Independent Expert encourages the MINUSCA peacekeeping force to redouble its efforts to protect civilians threatened by the myriad armed groups committing abuses. Many civil society organizations continue to call for the lifting of**

[18] Human Rights Watch, "Killing Without Consequence", July 2017.

the embargo on the supply of weapons to the Central African Armed Forces, citing by way of justification the inability of MINUSCA to provide effective protection and even going so far as to accuse certain battalions of conspiring with the armed groups. The Independent Expert has already underlined the importance of far-reaching reform of the security sector, of the setting up of a vetting process to ensure that those responsible for serious violations are prevented from re-enlisting in the armed forces and of the establishment of an army that is responsible, national and democratic.

104. The fight against impunity is essential to the resolution of the crisis in the Central African Republic. The population has waited too long for specific measures to re-establish the rule of law. The appointment of the Special Prosecutor of the Special Criminal Court is proof that progress can be made. That achievement must now be built on as a matter of urgency to ensure that the Court becomes operational and to break definitively with the past, which was characterized by a tendency to turn a blind eye to the actions of war criminals and to reward violence.

105. The multiple mediation efforts must include not only the Government and the armed groups, but also women and the Central African political parties. The Independent Expert recalls that discussions on peace and development can bear fruit only if they are inclusive and involve the effective participation of women from all sections of society.

B. Recommendations

106. The Independent Expert reiterates the recommendations contained in her previous report (see A/HRC/33/63, para. 122), which remain pending. She calls on the Government, with the support of the international community:

(a) To continue to participate actively, transparently and with due respect for its human rights obligations in conflict-mediation initiatives in order to achieve an immediate end to hostilities and a lasting peace in a sovereign and united Central African Republic;

(b) To encourage and ensure women's participation in all peace and security negotiation initiatives, in line with Security Council resolution 1325 (2000); and to include the Central African political parties in negotiations on peace, reconciliation and the future of the country;

(c) To reiterate its commitment to refrain from granting amnesty to those responsible for serious crimes under international law, such as war crimes, acts of genocide and crimes against humanity or serious human rights violations, and to reaffirm the right of victims to know the truth about those violations and their right to redress and reparation, in accordance with the will of the Central African people as expressed at the Bangui Forum and in the Constitution of the Republic;

(d) To cooperate with the Special Prosecutor of the Special Criminal Court in order to ensure that perpetrators, instigators of and accomplices to the most serious international crimes, regardless of their status and/or political or religious affiliation or ethnicity, are identified, arrested and put on trial without delay; to provide regular information to the population, civil society organizations and community leaders about the progress made in setting up the Special Criminal Court and to intensify training for all stakeholders, including judicial personnel, lawyers and the Bar;

(e) To strengthen the resources of the country's courts in order to ensure that judges have an effective presence in the towns to which they have been posted and hold ordinary court sittings and assize court sessions on a more regular basis;

(f) To finalize and implement without delay a victim and witness protection strategy so that conditions are in place in which they can testify and obtain justice and reparation in complete safety;

(g) **To expedite the process of restoring State authority by deploying public officials in every prefecture and to ensure that such officials are representative in terms of their ethnicity, religious affiliation and sex;**

(h) **To continue to tackle the major issues at the national level, namely, disarmament, demobilization, reintegration and repatriation, the reform of the security sector and the National Recovery and Peacebuilding Plan, effective action on which requires sustained and concerted resolve and commitment on the part of all State actors, notwithstanding the support of the international community; and to continue to advocate for and take steps to expedite the process of reconstituting trained and equipped national security forces, as part of the reform of the security sector;**

(i) **To promote economic recovery initiatives by approving and launching high; labour-intensive projects across the country and to develop community-level entrepreneurship and projects designed to occupy young people and keep them from becoming involved in conflict;**

(j) **To develop an effective strategy to combat, and provide protection against, the plundering of natural resources, including by securing roads and production areas, and to punish traffickers, where necessary;**

(k) **To strengthen advocacy and action to ensure a humanitarian response that is in line with the urgent needs for assistance and protection of populations affected by fresh outbreaks of violence, in particular displaced persons and refugees; and to create the necessary conditions, in those areas where it can be done, to enable voluntary and sustainable return and reintegration, taking into account the exercise of the right to property and goods;**

(l) **To define urgently a strategy and road map for transitional justice that take account of economic crimes; to obtain and disseminate the report of the Mapping Project, to launch preparatory activities for possible transitional justice mechanisms and to set up the technical committee responsible for establishing a truth and reconciliation commission;**

(m) **To support civil society actors working for peaceful coexistence, conflict prevention and resolution, and human rights; to evaluate and build capacity and resources for prevention and peaceful resolution of conflicts through traditional mechanisms; and to support local peace and reconciliation committees and replicate them within the country;**

(n) **To establish the new National Commission on Human Rights and Fundamental Freedoms as soon as possible, to provide it with the necessary resources and to ensure its independence;**

(o) **To strengthen initiatives to protect children and, in particular, initiatives to benefit young people removed from the armed groups;**

(p) **To take urgent steps to ensure that persons with disabilities are protected and have access to basic services, help and support;**

(q) **To operationalize the joint rapid response unit to combat sexual violence against women and children as soon as possible; and to support local health dispensaries by pursuing a policy of access to essential care and by equipping those centres.**

107. **Addressing the armed groups, the Independent Expert:**

(a) **Urges them to cease immediately all hostilities and attacks against civilians, to respect the peace agreements that they themselves have signed and to respect the rights of civilian populations, in particular the rights to life, security and physical integrity. Sexual violence is a serious human rights violation, and every rape committed during or in connection with an armed conflict constitutes a war crime that must not go unpunished;**

(b) Urges them to respect peacekeeping forces and the staff and property of humanitarian organizations and to allow rapid channelling of humanitarian aid. Targeted attacks on humanitarian staff and resources may be considered war crimes;

(c) Recommends that they immediately stop recruiting child soldiers and free all those who are still in their ranks.

108. **The Independent Expert recommends that MINUSCA:**

(a) Continue to respond firmly to any attempt to plunge the Central African Republic back into a new chapter of the conflict; continue to advocate for its military forces, in particular its special forces, to be strengthened and review its strategy for protecting civilians in the light of the increase in the number of areas where violence occurs; deploy its resources in sensitive areas and in areas to which the armed groups could spread; assist the national authorities in taking steps to arrest those principally responsible for violations of international humanitarian law and human rights;

(b) Strengthen its good offices and political support for efforts to achieve a ceasefire, a political agreement that respects human rights and a reduction in the influence of the armed groups through various forms of mediation and through programmes on disarmament, demobilization and reintegration and the reform of the security sector;

(c) Strengthen the activities of the civilian components of MINUSCA in the area of preventing violence with a view to providing preventative protection for civilians, with a particular focus on vulnerable populations; draw up joint plans of action on warning mechanisms and in the area of capacity-building with the aim of supporting the restoration of the rule of law; increase its support for national and local actors working to build social cohesion through its programme to finance quick-impact projects and other development programmes;

(d) Make every effort to enable the Special Criminal Court to begin its work promptly;

(e) Build on institutional progress in the area of human rights by strengthening the capacity of civil society, the National Commission on Human Rights and Fundamental Freedoms and the National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Other Forms of Discrimination by providing training in reporting and by making meetings and joint monitoring, prevention and protection activities sustainable.

109. **Addressing the international community, the Independent Expert:**

(a) Welcomes the efforts already made and encourages renewed vigilance in the face of fresh outbreaks of violence and the risks of increasing destabilization; calls on all stakeholders to strive to achieve an end to hostilities and enable priority programmes under the National Recovery and Peacebuilding Plan to be implemented;

(b) Encourages it to continue to support the Special Criminal Court in the long term;

(c) Urges it to mobilize to avert the impending humanitarian crisis by financing the Humanitarian Response Plan 2017-2018;

(d) Recommends that it strengthen its commitment to the negotiation efforts between the Government and the armed groups initiated by multilateral organizations, the African Union and the group of friends of the Central African Republic to promote peace while respecting the values emerging from the Bangui Forum and enshrined in the Constitution, in particular the need for justice; encourages it to support the involvement of women in negotiations, in line with Security Council resolution 1325 (2000);

(e) Encourages it to support the reform of the security sector by training and equipping national security forces that can protect all sections of the Central African population;

(f) Calls on it to continue to implement measures intended to prevent abuse and to put an end once and for all to the scourge of sexual exploitation and violence by international forces, to conduct relevant inquiries and to bring those responsible to justice;

(g) Recommends that it facilitate the organization of a subregional conference on matters of common interest, such as transhumance, transboundary crime, subregional security, and refugees and displaced persons, which could be supported by the African Union and the United Nations;

(h) Recommends that it remain seized of the issue of the human rights situation in the Central African Republic.